

Notice of Allowability

Application No.

09/867,883

Examiner

Ted T. Vo

Applicant(s)

DAVIA ET AL.

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Claims filed 12/08/03 and App. Brief filed on 7/29/04.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 31 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TUAN DAM
SUPERVISORY PATENT EXAMINER

1. This communication is in response to the Appeal Brief file on 7/29/04, that appeals the Final Office Action mailed on 02/24/04, where Claims 1-16 were rejected as being anticipated by prior art of record, BEA, "BEA MessageQ - Programming Guide".

The arguments in the Appeal brief have been fully considered, and those arguments result a withdrawal of the final action.

Reasons for Allowance

2. Claims 1-16 are allowed.

BEA, prior art of record, discloses including a development of message testing. BEA message testing involves in at least two computers that use a script file containing instructions for capturing messages sent or received by an application. A message is entered into a computer (such as shown in Figure 7-6, entering in B) via a script and then sent out to another computer (such as shown in Figure 7-6, sending to A) for testing.

However, as Applicants pointed out that for testing the same Application, as claimed, BEA Figure 7-6 does not teach the same Application; but showing in Figure 7-6 in BEA is the application A and the application B (Brief: Page 6, at the fourth line, up from the last line: "Application A and Application B are presumably different applications"), and as Applicants pointed out that BEA does not teach sending input data from a primary computer to a secondary computer, where as Applicants pointed out that the "message" in the Figure 7-6 (Applicants equate "message" to "data") received by the Applicant A is the output of Application B, that is not the captured input data in the Application B (Brief: Page 7, first full paragraph [Still further...], "the data received by Applicant A is the output of Applicant B and is not the captured input data entered into a primary testing an application program").

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention comprising at least features,

"capturing input data entered into a primary test computer testing an application program;

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sending the input data from the primary test computer to a secondary test computer also testing the application program; receiving the input data by the secondary test computer, and executing the application program by the secondary test computer responsive to the input data."


as recited in independent Claim 1 and in such manners in independent Claims 10 and 14.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
Patent Examiner
AU 2122
October 25, 2004


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SUPERVISORY PATENT EXAMINER